

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Randy L. Schollaert
Ronda L. Schollaert
Debtor(s)

Bankruptcy Case No.: 13-24909-GLT
Issued Per 12/13/2018 Proceeding
Chapter: 13
Docket No.: 189 – 185
Concil. Conf.: December 13, 2018 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 31, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 13, 2018 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 5-2 of PA Revenue .
- ☒ H. Additional Terms: Claim No. 18 of M&T Bank shall not be paid, as collateral surrendered. Prior payments are ratified.

Claim No. 19 of Santander Consumer USA shall not be paid, as vehicle totaled. Prior payments are ratified.

Claim No. 9 of Americredit shall be paid on its secured claim per adversary proceeding order

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

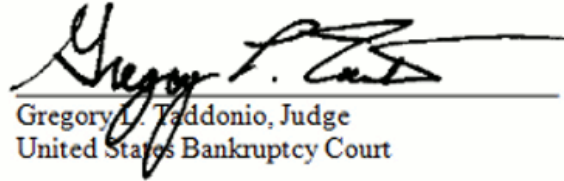
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: December 13, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 5 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Randy L. Schollaert
Ronda L. Schollaert
DebtorsCase No. 13-24909-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 34

Date Rcvd: Dec 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2018.

db/jdb
cr
+Randy L. Schollaert, Ronda L. Schollaert, 1490 Route 481, Charleroi, PA 15022-3412
+Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,
Pittsburgh, PA 15212-5860

13768422 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, Inc., PO Box 183853,
Arlington TX 76096)

13773355 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
Arlington, TX 76096-3853

13754364 +Americredit, PO Box 181145, Arlington, TX 76096-1145
13754374 +Chrysler Capital, P.O. Box 961275, Fort Worth, TX 76161-0275
13779983 +Donegal Insurance Group, 1195 River Road, PO Box 302, Marietta, PA 17547-0302,
Attn: Tamara Richardson

13789757 +ECMC, PO BOX 16408, St. Paul, MN 55116-0408
13754367 +First Premiere Bank, 601 S Minnesota Avenue, Sioux Falls, SD 57104-4824
13754368 +GM Financial, PO Box 183834, Arlington, TX 76096-3834
13852055 +M&T BANK, c/o KML Law Group, P.C., 701 Market Street, Suite 5000,
Philadelphia, PA 19106-1541

13806557 +Madonna Catholic Regional School, 731 Chess Street, Monogahela, PA 15063-2761
13754372 +National Credit Adjusters, PO Box 3023, 327 W 4th St., Hutchinson, KS 67501-4842
13754374 +PNC Bank National Association, 1600 Market Street, Philadelphia, PA 19103-7240
13754373 +Pinnacle Financial Group, 7825 Washington Ave. S., Ste. 310, Minneapolis, MN 55439-2424
13779985 +Point Park College, 201 Wood Street, Pittsburgh, PA 15222-1984
13754375 +Quick Recovery, Inc., P.O. Box 7003, Americus, GA 31709-7003
13754376 RJM Acquisitions LLC, PO Box 18006, Hauppauge, NY 11788
13754377 +Strategic Recovery Group, 7668 Warren PKWY, Suite 325, Frisco, TX 75034-4161
13779984 +University of Pittsburgh, 127 Thackeray Hall, Pittsburgh, PA 15213-2519

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13760091 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 14 2018 02:41:05
American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,
Oklahoma City, OK 73124-8848

13761462 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Dec 14 2018 02:31:45 Asset Acceptance LLC,
Po Box 2036, Warren MI 48090-2036

13823955 +E-mail/Text: bnc@atlasacq.com Dec 14 2018 02:31:16 Atlas Acquisitions LLC, 294 Union St.,
Hackensack, NJ 07601-4303

13782947 +E-mail/Text: bncmail@w-legal.com Dec 14 2018 02:32:01 CERASTES, LLC,
C O WEINSTEIN, PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

13754366 +E-mail/Text: bankruptcy@fncbinc.com Dec 14 2018 02:31:08
First National Collection Bureau, Inc., PO Box 51660, Sparks, NV 89435-1660

13764597 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 14 2018 02:32:05 Jefferson Capital Systems LLC,
PO BOX 7999, SAINT CLOUD MN 56302-

13779982 +E-mail/Text: gamillerlaw@msn.com Dec 14 2018 02:31:36 Jeff and Sheila Harosky,
c/o George A. Miller, Esquire, 1030 Fifth Avenue, Suite 102, Pittsburgh, PA 15219-6219

13754369 E-mail/Text: camanagement@mtb.com Dec 14 2018 02:31:26 M&T Bank, PO Box 62085,
Baltimore, MD 21264

13754370 +E-mail/Text: camanagement@mtb.com Dec 14 2018 02:31:26 M&T Mortgage, PO Box 900,
Millsboro, DE 19966-0900

13754371 +E-mail/Text: bankruptcydpt@mcsmcg.com Dec 14 2018 02:31:47 Midland Funding,
8875 Aero Dr. Ste. 200, San Diego, CA 92123-2255

13765793 E-mail/Text: ebn@vativrecovery.com Dec 14 2018 02:31:25 Palisades Collection, LLC,
Vativ Recovery Solutions LLC, dba SMC, As Agent For Palisades Collection, LLC,
PO Box 40728, Houston, TX 77240-0728

13764537 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 14 2018 02:31:41
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946

13840574 +E-mail/Text: csidl@sbcglobal.net Dec 14 2018 02:32:12 Premier Bankcard/Charter,
PO Box 2208, Vacaville, CA 95696-8208

13754378 +E-mail/Text: bankruptcy@risecredit.com Dec 14 2018 02:32:14 Think Cash,
4150 International Plaza, Suite 400, Fort Worth, TX 76109-4819

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
cr* M&T BANK
13764598* +Americredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
(address filed with court: Jefferson Capital Systems LLC, PO BOX 7999,
SAINT CLOUD MN 56302-9617)

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 34

Date Rcvd: Dec 13, 2018

13754365 ##+Education Credit Management, 1 Imation Place, Saint Paul, MN 55128-3422

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 15, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on December 13, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor M&T BANK andygornall@latouflawfirm.com
Brian C. Thompson on behalf of Plaintiff Ronda L. Schollaert bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/LMichaels@thompsonattorney.com/jwrzosek@thompsonattorney.com/mgillesp
ie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@thompsonattorney.com
Brian C. Thompson on behalf of Debtor Randy L. Schollaert bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/LMichaels@thompsonattorney.com/jwrzosek@thompsonattorney.com/mgillesp
ie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@thompsonattorney.com
Brian C. Thompson on behalf of Plaintiff Randy L. Schollaert bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/LMichaels@thompsonattorney.com/jwrzosek@thompsonattorney.com/mgillesp
ie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@thompsonattorney.com
Brian C. Thompson on behalf of Joint Debtor Ronda L. Schollaert bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/LMichaels@thompsonattorney.com/jwrzosek@thompsonattorney.com/mgillesp
ie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@thompsonattorney.com
James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com/srk@sjwpgh.com

TOTAL: 10